

10/056,730

IBM/215

Remarks

The Examiner's only rejection of this application is for double patenting based upon Dettinger et al., U.S. Publication 2003/0143954. Applicant understands this rejection as a "provisional" double patenting rejection for the reason that the Dettinger et al. application is not yet patented.

In Applicant's prior response, Applicant objected to the Examiner's assertions of obviousness. Applicant continues to believe that the Examiner's assertions of obviousness are not well founded. However, at this point Applicant notes that the Dettinger et al. application (Serial No. 10/056,740) is to be abandoned, by not responding to the Office Action issued in that application on March 23, 2005. The abandoned status of the Dettinger et al. application should be formalized by the issuance of a Notice of Abandonment shortly after September 23, 2005, the six-month anniversary of the office action's issuance.

Once the Dettinger et al. application is abandoned, no double patenting rejection, provisional or otherwise, may be made based upon Dettinger et al. Accordingly, the Examiner's current rejection should be withdrawn.

Applicant notes that the subject matter claimed by the present application involves nonobvious inventions of Humphrey and Moore (patent attorneys for the assignee) made after

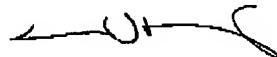
10/056,738

IBM/215

Dettinger and Kulack (employees of the assignee) disclosed to Humphrey and Moore the subject matter claimed in Application 10/056,740. In the event the Examiner has any questions regarding these facts in connection with examination of this application, please advise the undersigned.

If any petition for extension of time is necessary to accompany this communication, please consider this paper a petition for such an extension of time, and apply the appropriate extension of time fee to Deposit Account 23-3000. If any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,



Thomas W. Humphrey
Reg. No. 34,353

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917

Voice: (513) 241-2324
Facsimile: (513) 241-6234